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8 **BEFORE THE**
9 **BOARD OF PHARMACY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 6110

13 **NABILA CASTLE**
14 **130 N. Eucalyptus Dr.**
15 **Anaheim, CA 92808**
16 **Pharmacist License No. RPH 54749**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

17 Respondent.

18
19 **FINDINGS OF FACT**

20 1. On or about September 22, 2017, Complainant Virginia Herold, in her official
21 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs,
22 filed Accusation No. 6110 against Nabila Castle ("Respondent") before the Board of Pharmacy.
23 (Accusation attached as Exhibit A.)

24 2. On or about August 22, 2003, the Board of Pharmacy ("Board") issued Pharmacist
25 License No. RPH 54749 to Respondent. The Pharmacist License was in full force and effect at
26 all times relevant to the charges brought in Accusation No. 6110 and will expire on January 31,
27 2019, unless renewed.
28

1 3. On or about November 15, 2017, Respondent was served by Certified and First Class
2 Mail copies of the Accusation No. 6110, Statement to Respondent, Notice of Defense, Request
3 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
4 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code
5 section 4100, is required to be reported and maintained with the Board. Respondent's address of
6 record was and is 130 N. Eucalyptus Dr., Anaheim, CA 92808.

7 4. Service of the Accusation was effective as a matter of law under the provisions of
8 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
9 124.

10 5. Government Code section 11506(c) states, in pertinent part:

11 (c) The respondent shall be entitled to a hearing on the merits if the respondent
12 files a notice of defense . . . and the notice shall be deemed a specific denial of all
13 parts of the accusation . . . not expressly admitted. Failure to file a notice of defense
14 . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its
15 discretion may nevertheless grant a hearing.

16 6. The Board takes official notice of its records and the fact that Respondent failed to
17 file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore
18 waived her right to a hearing on the merits of Accusation No. 6110.

19 7. California Government Code section 11520(a) states, in pertinent part:

20 (a) If the respondent either fails to file a notice of defense . . . or to appear at
21 the hearing, the agency may take action based upon the respondent's express
22 admissions or upon other evidence and affidavits may be used as evidence without
23 any notice to respondent

24 8. Pursuant to its authority under Government Code section 11520, the Board finds
25 Respondent is in default. The Board will take action without further hearing and, based on the
26 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
27 taking official notice of all the investigatory reports, exhibits and statements contained therein on
28 file at the Board's offices regarding the allegations contained in Accusation No. 6110, finds that
the charges and allegations in Accusation No. 6110, are separately and severally, found to be true
and correct by clear and convincing evidence.

1 9. The Board finds that the actual costs for Investigation and Enforcement are
2 \$11,292.50.

3 DETERMINATION OF ISSUES

4 1. Based on the foregoing findings of fact, Respondent Nabila Castle has subjected her
5 Pharmacist License No. RPH 54749 to discipline.

6 2. The agency has jurisdiction to adjudicate this case by default.

7 3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacist License
8 based upon the following violations alleged in the Accusation which are supported by the
9 evidence contained in the Default Decision Evidence Packet in this case:

10 a. Business and Professions Code section 4301, subdivision (h). On or around
11 January 7, 2017, Respondent admitted to two police officers during a traffic stop that she was
12 under the influence of methamphetamines and had been using methamphetamines for at least four
13 months.

14 b. Business and Professions Code section 4301, subdivision (j). Respondent
15 violated multiple statutes regulating controlled substances, including the following:

16 i. Business and Professions Code section 4060: On or around January 7,
17 2017, Respondent unlawfully possessed methamphetamine, which is a controlled substance

18 ii. Health and Safety Code section 11170: On or around January 7, 2017,
19 Respondent unlawfully administered methamphetamine, a controlled substance, to herself.

20 iii. Health and Safety Code section 11170: Between December 2015 and
21 January 2016, Respondent had prescriptions for herself for controlled substances, including, but
22 not limited to, Alprazolam and Adderall, and unlawfully dispensed them to herself.

23 c. Business and Professions Code section 4301, subdivision (f). On or around
24 January 7, 2017, Respondent admitted to two police officers during a traffic stop that she was
25 under the influence of methamphetamines and had been using methamphetamines for at least four
26 months.

27 d. Business and Professions Code section 4059, subdivision (a). Between
28 December 2015 and January 2016, Respondent furnished dangerous drugs to herself without a

1 valid prescription in that Respondent had a prescription for Adderall and dispensed to herself a
2 different dosage and amount than what was actually prescribed.

3 e. Business and Professions Code section 4301, subdivision (o), in conjunction
4 with Health & Safety Code section 11172 and California Code of Regulations, title 16, section
5 1761, subdivision (a). Between December 2015 and January 2016, Respondent dispensed a
6 prescription to herself when the prescription contained a significant error, omission, irregularity,
7 uncertainty, ambiguity, and/or alteration.

8 ORDER

9 IT IS SO ORDERED that Pharmacist License No. RPH 54749, heretofore issued to
10 Respondent Nabila Castle, is revoked.

11 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
12 written motion requesting that the Decision be vacated and stating the grounds relied on within
13 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
14 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

15 This Decision shall become effective at 5:00 p.m. on February 28, 2018.

16 It is so ORDERED on January 29, 2018.

17
18 BOARD OF PHARMACY
19 DEPARTMENT OF CONSUMER AFFAIRS
20 STATE OF CALIFORNIA

21 

22
23 By

24 Amy Gutierrez, Pharm.D.
25 Board President

26 52723570.DOC
27 DOJ Matter ID:LA2017604333

28 Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

(NABILA CASTLE)

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Attorneys for Complainant

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8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 6110

11 **NABILA CASTLE**
12 **130 N. Eucalyptus Dr.**
13 **Anaheim, CA 92808**

ACCUSATION

14 **Pharmacist License No. RPH 54749**

15 **Respondent.**

16
17 **Complainant alleges:**

18 **PARTIES**

19 1. Virginia Herold ("Complainant") brings this Accusation solely in her official capacity
20 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

21 2. On or about August 22, 2003, the Board of Pharmacy issued Pharmacist License
22 Number RPH 54749 to Nabila Castle ("Respondent"). The Pharmacist License was in full force
23 and effect at all times relevant to the charges brought herein and will expire on January 31, 2019,
24 unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Pharmacy ("Board"); Department of
27 Consumer Affairs, under the authority of the following laws. All section references are to the
28 Business and Professions Code ("Code") unless otherwise indicated.

4. Section 118, subdivision (b), of the Code provides that the suspension, expiration, surrender, and/or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

5. Section 4300 of the Code provides that every license issued by the Boards is subject to discipline, including suspension or revocation.

STATUTORY PROVISIONS

6. Section 4059, subdivision (a), of the Code states, in pertinent part, that "[a] person may not furnish any dangerous drug, except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7."

7. Section 4060 of the Code states, in pertinent part, that:

No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. . . .

8. Section 4301 of the Code states, in pertinent part, that:

The board shall take action against any holder of a license who is guilty of unprofessional conduct or whose license has been issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:

(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or corruption, whether the act is committed in the course of relations as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

(h) The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, to a person holding a license under this chapter, or to any other person or to the public, or to the extent that the use impairs the ability of the person to conduct with safety to the public the practice authorized by the license.

1 (j) The violation of any of the statutes of this state, of any
2 other state, or of the United States regulating controlled substances
3 and dangerous drugs.

4 (o) Violating or attempting to violate, directly or indirectly,
5 or assisting in or abetting the violation of or conspiring to violate
6 any provision or term of this chapter or of the applicable federal
7 and state laws and regulations governing pharmacy, including
8 regulations established by the board or by any other state or federal
9 regulatory agency. . . .

10 9. Health and Safety Code section 11170 states that, "No person shall prescribe,
11 administer, or furnish a controlled substance for himself."

12 10. Health and Safety Code section 11172 states that, "No person shall antedate or
13 postdate a prescription."

14 COST RECOVERY

15 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
16 administrative law judge to direct a licensee found to have committed a violation or violations of
17 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
18 enforcement of the case, with failure of the licensee to comply subjecting the license to not being
19 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
20 included in a stipulated settlement.

21 DRUG CLASSIFICATIONS

22 12. 3. Alprazolam, the generic name for Xanax, is a Schedule IV controlled substance as
23 designated by Health and Safety Code section 11057, subdivision (d)(1), and is a dangerous drug
24 pursuant to section 4022(c) of the Code.

25 13. Adderall is a Schedule II controlled substance as designated in Health and Safety Code
26 section 11055, subdivision (d)(1), and is a dangerous drug pursuant to section 4022(c) of the
27 Code.

28 14. Methamphetamine is a Schedule II controlled substance as designated by Health and
Safety Code section 11055, subdivision (d)(2), and is a dangerous drug pursuant to section
4022(c) of the Code.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Unprofessional Conduct – Violation of Statutes Regulating Controlled Substances)**

3 18. Respondent is subject to disciplinary action under Code section 4301, subdivision (j),
4 on the grounds that Respondent violated laws regulating controlled substances in the following
5 respects:

6 a. Code section 4060: Respondent unlawfully possessed a controlled substance.
7 Complainant refers to and by this reference expressly incorporates the allegations contained within
8 paragraph 15, above, as though fully set forth herein.

9 b. Health and Safety Code section 11170: Respondent unlawfully administered a
10 controlled substance to herself. Complainant refers to and by this reference expressly incorporates
11 the allegations contained within paragraph 15, above, as though fully set forth herein.

12 c. Health and Safety Code section 11170: Respondent unlawfully furnished a
13 controlled substance to herself. Complainant refers to and by this reference expressly incorporates
14 the allegations contained within paragraph 16, subdivision (a), above, as though fully set forth
15 herein.

16 **THIRD CAUSE FOR DISCIPLINE**

17 **(Unprofessional Conduct – Moral Turpitude, Dishonesty, Fraud, Deceit)**

18 19. Respondent is subject to disciplinary action under Code section 4031, subdivision (f),
19 on the grounds that Respondent committed an act involving moral turpitude, dishonesty, fraud, or
20 deceit in that Respondent had a prescription for Adderall and dispensed to herself a different
21 dosage and amount than what was actually prescribed. Complainant refers to and by this reference
22 expressly incorporates the allegations contained within paragraph 16, subdivision (b), above, as
23 though fully set forth herein.

24 **FOURTH CAUSE FOR DISCIPLINE**

25 **(Unprofessional Conduct – Furnishing Dangerous Drugs Without a Prescription)**

26 20. Respondent is subject to disciplinary action under Code section 4059, subdivision (a),
27 on the grounds that Respondent furnished dangerous drugs to herself without a valid prescription
28 in that Respondent had a prescription for Adderall and dispensed to herself a different dosage and

1 amount than what was actually prescribed. Complainant refers to and by this reference expressly
2 incorporates the allegations contained within paragraph 16, subdivision (b), above, as though fully
3 set forth herein.

4 **FIFTH CAUSE FOR DISCIPLINE**

5 **(Unprofessional Conduct – Violation of Statutes Regulating Pharmacies)**

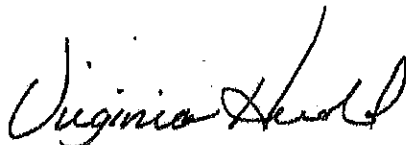
6 21. Respondent is subject to disciplinary action under Code section 4301, subdivision (c),
7 in conjunction with Health & Safety Code section 11172 and California Code of Regulations, title
8 16, section 1761, subdivision (a), on the grounds that Respondent dispensed a prescription to
9 herself when the prescription contained a significant error, omission, irregularity, uncertainty,
10 ambiguity, and/or alteration. Complainant refers to and by this reference expressly incorporates
11 the allegations contained within paragraph 16, subdivision (c), above, as though fully set forth
12 herein.

13 **PRAYER**

14 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
15 and that following the hearing, the Board of Pharmacy issue a decision:

- 16 1. Revoking or suspending Pharmacist License Number RPH 54749, issued to Nabila
17 Castle;
- 18 2. Ordering Nabila Castle to pay the Board of Pharmacy the reasonable costs of the
19 investigation and enforcement of this case, pursuant to Business and Professions Code section
20 125.3; and,
- 21 3. Taking such other and further action as deemed necessary and proper.

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23
24 DATED: 9/22/17


VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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